

AMENDMENTS TO LB1004

Introduced by Judiciary.

1           1. Strike the original sections and insert the following new  
2 sections:

3           Section 1. Section 43-2101, Revised Statutes Supplement, 2019, is  
4 amended to read:

5           43-2101 (1) All persons under nineteen years of age are declared to  
6 be minors, but in case any person marries under the age of nineteen  
7 years, his or her minority ends.

8           (2) Upon becoming the age of majority, a person is considered an  
9 adult and acquires all rights and responsibilities granted or imposed by  
10 statute or common law, except that a person:

11           (a) Eighteen years of age or older and who is not a ward of the  
12 state may:

13           (i) Enter into a binding contract or lease of whatever kind or  
14 nature and shall be legally responsible for such contract or lease,  
15 including legal responsibility to third parties;

16           (ii) Execute, sign, authorize, or otherwise authenticate (A) an  
17 effective financing statement, (B) a promissory note or other instrument  
18 evidencing an obligation to repay, or (C) a mortgage, trust deed,  
19 security agreement, financing statement, or other security instrument to  
20 grant a lien or security interest in real or personal property or  
21 fixtures, and shall be legally responsible for such document, including  
22 legal responsibility to third parties; and

23           (iii) Acquire or convey title to real property and shall have legal  
24 responsibility for such acquisition or conveyance, including legal  
25 responsibility to third parties;~~and~~

26           (b) Eighteen years of age or older may consent to mental health  
27 services for himself or herself without the consent of his or her parent

1 or guardian; -

2 (c) Eighteen years of age or older may make health care decisions  
3 for himself or herself without the consent of his or her parent or  
4 guardian; and

5 (d) Under nineteen years of age and who is committed to the  
6 Department of Correctional Services for secure care may consent to, and  
7 make decisions regarding, such person's medical care, mental health  
8 services, and related services during the period of the person's  
9 commitment to the department without the consent of such person's parent  
10 or guardian.

11 Sec. 2. Section 83-1,102, Revised Statutes Cumulative Supplement,  
12 2018, is amended to read:

13 83-1,102 The Director of Supervision and Services shall:

14 (1) Supervise and administer the Division of Parole Supervision;

15 (2) Establish and maintain policies, standards, and procedures for  
16 the field parole service and the community supervision of sex offenders  
17 pursuant to section 83-174.03. The policies, standards, and procedures  
18 for the field parole service shall include specific caseload standards  
19 for parole officers and specific policies, standards, and procedures for  
20 the use of electronic monitoring of parolees;

21 (3) Divide the state into parole districts and appoint district  
22 parole officers and such other employees as may be required to carry out  
23 adequate parole supervision of all parolees, prescribe their powers and  
24 duties, and obtain division offices for staff in each district as may be  
25 necessary;

26 (4) Cooperate with the Board of Parole, the courts, the Community  
27 Corrections Division of the Nebraska Commission on Law Enforcement and  
28 Criminal Justice, and all other agencies, public and private, which are  
29 concerned with the treatment or welfare of persons on parole;

30 (5) Provide the Board of Parole and district judges with any record  
31 of a parolee which the board or such judges may require;

1 (6) Make recommendations to the Board of Parole or district judge in  
2 cases of violation of the conditions of parole, issue warrants for the  
3 arrest of parole violators when so instructed by the board or district  
4 judge, notify the Director of Correctional Services of determinations  
5 made by the board, and upon instruction of the board, issue certificates  
6 of parole and of parole revocation to the facilities and certificates of  
7 discharge from parole to parolees;

8 (7) Organize and conduct training programs for the district parole  
9 officers and other employees;

10 (8) Use the funds provided under section 83-1,107.02 to augment  
11 operational or personnel costs associated with the development,  
12 implementation, and evaluation of enhanced parole-based programs and  
13 purchase services to provide such programs aimed at enhancing adult  
14 parolee supervision in the community and treatment needs of parolees.  
15 Such enhanced parole-based programs include, but are not limited to,  
16 specialized units of supervision, related equipment purchases and  
17 training, and programs that address a parolee's vocational, educational,  
18 mental health, behavioral, or substance abuse treatment needs, including  
19 evidence-based peer and family support programs;

20 (9) Ensure that any risk or needs assessment instrument utilized by  
21 the system be periodically validated;

22 (10) Request adequate funding to ensure sufficient staffing levels  
23 to comply with state law, including section 83-1,103, and all policies,  
24 standards, and procedures;

25 (11) On or before January 1, 2021, and by each January 1 thereafter,  
26 report ~~(10) Report annually~~ to the Governor and electronically to the  
27 Clerk of the Legislature ~~beginning January 1, 2015,~~ the number of parole  
28 revocations and the number of technical violations of parole for the  
29 preceding calendar year. The report shall also include detailed  
30 statistics on the caseloads of parole officers, including the number of  
31 parolees supervised by each parole officer and the offense types and risk

1 assessment levels of parolees supervised by parole officers; and

2 (12) (11) Exercise all powers and perform all duties necessary and  
3 proper in carrying out his or her responsibilities.

4 Sec. 3. Section 83-1,110, Reissue Revised Statutes of Nebraska, is  
5 amended to read:

6 83-1,110 (1) Every committed offender shall be eligible for parole  
7 when the offender has served one-half the minimum term of his or her  
8 sentence as provided in sections 83-1,107 and 83-1,108 or two years prior  
9 to the offender's mandatory discharge date, whichever is earlier. The  
10 board shall conduct a parole review not later than sixty days prior to  
11 the date a committed offender becomes eligible for parole as provided in  
12 this subsection, except that if a committed offender is eligible for  
13 parole upon his or her commitment to the department, a parole review  
14 shall occur as early as is practical. No such reduction of sentence shall  
15 be applied to any sentence imposing a mandatory minimum term.

16 (2) Every committed offender sentenced to consecutive terms, whether  
17 received at the same time or at any time during the original sentence,  
18 shall be eligible for release on parole when the offender has served the  
19 total of one-half the minimum term as provided in sections 83-1,107 and  
20 83-1,108 or two years prior to the offender's mandatory discharge date,  
21 whichever is earlier. The maximum terms shall be added to compute the new  
22 maximum term which, less good time, shall determine the date when  
23 discharge from the custody of the state becomes mandatory.

24 Sec. 4. Original section 83-1,110, Reissue Revised Statutes of  
25 Nebraska, section 83-1,102, Revised Statutes Cumulative Supplement, 2018,  
26 and section 43-2101, Revised Statutes Supplement, 2019, are repealed.